

ESTTA Tracking number: **ESTTA363255**Filing date: **08/16/2010**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Applerind Korea Inc
Granted to Date of previous extension	09/22/2010
Address	No. 76-9 Siheung-dong, Seongnam-si Gyeonggi-do, KOREA, REPUBLIC OF
Attorney information	C Bruce Hamburg Jordan and Hamburg, LLP 122 East 42nd Street New York, NY 10168 UNITED STATES jandh@ipattorneys.com

Applicant Information

Application No	76700514	Publication date	05/25/2010
Opposition Filing Date	08/16/2010	Opposition Period Ends	09/22/2010
Applicant	SHIN, CHANG YUN 14535 VALLEY VIEW AVE. STE E SANTA F SPRINGS., CA 90670 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2009/11/17 First Use In Commerce: 2009/11/17
All goods and services in the class are opposed, namely: SHIRTS, SLACKS, WALKING SHORTS, SPORT JACKETS, AND SWEATERS

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	85068726	Application Date	06/22/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	APPLERIND		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2009/08/25 First Use In Commerce: 2009/08/25 shirts; caps; hooded jackets and sweatshirts; shirt and pants sets; jacket and pants sets; underclothing; sweat-absorbent underclothing; sweat-absorbent underwear; T-shirts; sports jerseys; anti-sweat underwear

U.S. Application No.	85068798	Application Date	06/22/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AE		
Design Mark			
Description of Mark	The mark consists of a stylized apple including a swirl design .		
Goods/Services	Class 025. First use: First Use: 2009/08/25 First Use In Commerce: 2009/08/25 shirts; caps; hooded jackets and sweatshirts; shirt and pants sets; jacket and pants sets; underclothing; sweat-absorbent underclothing; sweat-absorbent underwear; T-shirts; sports jerseys; anti-sweat underwear		

Attachments	85068726#TMSN.jpeg (1 page)(bytes) 85068798#TMSN.jpeg (1 page)(bytes) S 4692 APPLERIND_20100816095138.pdf (3 pages)(56068 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/C Bruce Hamburg/
Name	C Bruce Hamburg
Date	08/16/2010

TM-2604

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark application
Serial No. 76/700,514 (AR APPLERIND SPORTS FOUNDATION)

Published in the *Official Gazette*
on May 25, 2010

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APPLERIND KOREA INC.	:
	:
Opposer,	:
	:
v.	:
	:
SHIN, CHANG YUN	:
	:
Applicant.	:
-----X	

Opposition No.

NOTICE OF OPPOSITION

Applerind Korea Inc., a corporation of the Republic of Korea having a place of business at No. 76-9 Siheung-dong, Sujeong-gu Seongnam-si, Gyeonggi-do, the Republic of Korea, a corporation organized under the laws of Korea, believes it will be damaged by the registration of the mark shown in the above identified application and hereby opposes the same.

The grounds for the opposition are as follows:

1. Opposer is the owner of pending trademark applications for APPLERIND, Serial No. 85/068,726 and AE and apple design, Serial No. 85/068,798, both marks for use with: Shirts; caps; hooded jackets and sweatshirts; shirts and pants sets; underclothing; sweat absorbent underclothing; sweat-absorbent underwear; T-shirts; sport jerseys; anti-sweat underwear in International Class 25. Opposer has date of first use of both of its marks in commerce of August 25, 2009.

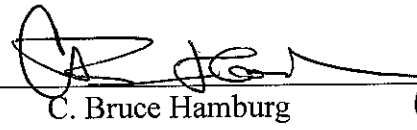
2. Applicant's mark for AR APPLERIND SPORTS FOUNDATION, Serial No. 76/700,514, was filed on November 23, 2009 as an Intent to Use basis (Section 1(b) for use with shirts, slacks, walking shorts, sport jackets, and sweaters. Applicant claims in its application, a date of first use of its mark in commerce on November 17, 2009.
3. Applicant's mark and Opposer's marks are virtually identical in all respects--- name and design and the goods of both marks are for clothing in International Class 25 and are also almost identical ---- slacks, walking shorts and jackets.
4. The use by the Applicant of virtually the same mark as Opposer on essentially the same goods is likely to cause confusion, or to cause mistake, or to deceive the consumer in violation of the Section 2(d) of the Trademark Act. Applicant's mark will also lessen the capacity of Opposer's mark to identify and distinguish the goods of Opposer.
5. Opposer has priority of use of its mark over Applicant and Opposer having a date of first use of August 25, 2009 and Applicant having a date of first use of November 17, 2009.
6. Opposer had engaged Applicant to be its distributor of its APPLERIND brand clothing in the United States.

7. Applicant was fully aware that Opposer, as the manufacturer of APPLERIND brand clothing was the owner of the APPLERIND mark. In light of Applicant's having dealt with APPLERIND brand clothing in the United States, Applicant had or should of have known that he did not own the mark and willfully filed a trademark application for the mark, making a sworn statement in his trademark application that he had rights to the mark over all others and in effect committing a willful fraud upon the Trademark Office.

Respectfully submitted,

JORDAN AND HAMBURG LLP
Attorney for Opposer

By



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